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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement*/ submitted by Rights and Democracy, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 June 2001]

*/ This written statement is issued, unedited, as received in English and French, from the submitting non-governmental organization(s).

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ENG

The Situation in China

1. During the past year, gross violations of human rights have persisted in the People's Republic of China. A renewed campaign against organizations and movements which the Party views as a threat is supported by a number of new regulations which allow the government to deny rights while claiming that it is merely abiding by the "rule of law".

2. While the number of bilateral human rights dialogues with western governments has grown and dialogue sessions continue to take place at regular intervals, the policy of quiet diplomacy has disappointed those who look beyond institutional reforms towards real change on specific human rights practices. China has yet to adequately live up to its commitments under the various agreements it has already ratified, specifically the Convention on the Rights of the Child, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Economic, Social and Cultural Rights.

3. At the same time, the bilateral dialogue discussions between mid-level officials and academics around institutional reform appear to have been conditioned on silencing public condemnation at the Commission on Human Rights. The effect has been to remove the incentive for China to improve its human rights record. A UK parliamentary study of the dialogue process, released in November 2000, concluded that the dialogue had delivered "no meaningful results" and that there had been a "serious deterioration" of human rights since the British government initiated the process.

4. Similarly, the Memorandum of Understanding signed in November 2000 between the High Commissioner for Human Rights and the People's Republic of China, is disappointing in that, like the bilateral dialogues, it fails to identify a timeframe for progress, practical outputs, or any methodology for monitoring the implementation of reforms. The agreement establishes little more than an expanded schedule of workshops, training programmes and provision of advisory services in its effort promote "a better mutual understanding of human rights issues". Again, while these are not necessarily bad initiatives, they do not substitute for the cessation of specific human rights abuses by the Chinese state against its citizens

5. Political activity has been systematically repressed during the past year. From October 1999 to July 2000, ten leaders of the China Democracy Party (CDP) were sentenced to prison terms of up to eleven years. More recently, Wang Zechen was sentenced in December 2000 to six years imprisonment for his involvement in the outlawed opposition party while lawyer Wang Wenjiang received a four year sentence for his role in representing a CDP leader. At least 25 members of the CDP are currently imprisoned, primarily on subversion charges.

6. Despite persistent reports of torture in prisons, the UN Special Rapporteur on Torture's request to visit China has been held up by Chinese objections to the terms of reference of his visit. While the terms of reference are standard for special rapporteur country visits, China has successfully kept official scrutiny of its practices at bay while permitting non-expert officials from a variety of countries to visit selected prisons on an ad-hoc basis. One of these, from Canada, reported hearing a prison rock band perform during his visit to Drapchi Prison in Tibet, later commenting that the quality of music was "better than in the rest of China" and that prisoners appeared to be "happy".

7. Freedom of expression is routinely denied in China and efforts in the past year to control the distribution of non-official information have escalated. Authorities have replaced or demoted

publishers and editors who failed to comply with new stricter guidelines related to promoting official Communist Party ideology. Censorship is rampant and is imposed on a variety of articles, books and poems deemed "backward", "subversive" or "threats to security". Even foreign businesses are scrutinized and one publisher was denied access to book binding facilities in China because the book in question included a photo of the Dalai Lama.

8. Access to information is strictly monitored and curtailed. China-based Web sites are restricted to posting state-controlled information and several chat rooms and electronic news groups have been shut down by the Ministry of Security. The Web sites of some foreign news agencies and non-governmental organisations are routinely blocked. Six provincial authorities have set up special "Internet police" forces under the guise of fighting pornography, but with the real objective of monitoring the flow of news entering China over the Internet. At the same time, propaganda Web sites targeting non-Chinese audiences have been launched from outside of China in locations such as Russia.

9. Trade unionists have continued to suffer denial of their rights to freedom of association and the right to form independent trade unions. Arrests of labour activists are widespread and sentences of several years are common for efforts organise workers outside of the state-sanctioned process. In December 1999, labour lawyer Xu Jian of Baotou City in Inner Mongolia was arrested and held for six months without any notification provided to his family. In May 2000, Xu was charged with trying to overthrow the state and the socialist system. The charges resulted from Xu's efforts to educate local workers about China's labour laws and his efforts to represent workers who had not received their due wages from state-owned enterprises. Xu was sentenced to four years, but is reported to be in poor health and denied access to appropriate health care while in prison.

10. In Tibet, Chinese authorities continue to suppress "splittist" activities and exert control over religious activities. A two-tier system of social protection has emerged based primarily on race. Tibetans find themselves marginalized and discriminated against in the areas of education, access to adequate health care and in economic development. Efforts by the Tibetan government-in-exile to resolve the conflict through initiation of dialogue and negotiation with Chinese authorities have been met with resistance by China's leadership. Requests from the governments of many Commission members and the High Commissioner for Human Rights for permission to visit Gendhun Choekyi Nyima, the 11-year old Tibetan prisoner recognized by the Dalai Lama as the Panchen Lama, continue to be routinely denied.

11. Political and religious repression in Eastern Turkestan (Xinjiang) has escalated in the past year, with Chinese authorities initiated a "iron fist" campaign against what it termed "religious fundamentalists, splittists and terrorists". At least 24 alleged terrorists were executed during the past year. In March, 2000 a local businesswoman, Rebiya Kadeer, was sentenced to eight years in prison for mailing underlined newspaper articles to her husband, a refugee living in the United States. Kadeer's son and secretary were also given prison terms of two and three years respectively.

12. Discrimination against the practice of Falun Gong by Chinese authorities has escalated to the point where it is estimated that 25,000 practitioners are now languishing in labour camps, prisons or mental hospitals. Reports estimate that up to 80 deaths from torture have resulted. Many of those arrested have been denied their right to a fair trial.

RECOMMENDATIONS

1. The Sub-Commission should take steps to ensure that the Government of China honours the terms of reference for country visits by special rapporteurs and the visit to China by the Special Rapporteur on Torture proceeds without further delay.

2. The Sub-Commission should appoint an independent delegation of eminent persons to petition Chinese authorities for permission to visit the 11 year old Tibetan child, Gendhun Choekyi Nyima for the purpose of ascertaining his safety.

3. The Sub-Commission should urge the Government of China to ratify the International Covenant on Civil and Political Rights without delay and without reservations.

4. The Sub-Commission should press Chinese authorities for restraint in their response to Falun Gong practitioners. The Commission on Human Rights' Special Rapporteur on Torture should be permitted access to specific Falun Gong practitioners currently imprisoned and should provide information regarding those whose whereabouts remains unknown following detention. Specifically, Chinese authorities should guarantee that the right to a fair trial is upheld for all citizens of China including Falun Gong practitioners.